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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,721	06/28/2002	Kiyoshi Imai	M1401.0003/P003	2684

7590 06/20/2006

Dickstein Shapiro Morin & Oshinsky
2101 L Street NW
Washington, DC 20037-1526

EXAMINER

JOHNS, ANDREW W

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,721	Applicant(s) IMAI ET AL.	
	Examiner Andrew W. Johns	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 01 June 2006 have been fully considered but they are not persuasive.

Applicant argues that Tachikawa et al. fails to teach that the storage portion is erased at least at the time when the power is not on. In particular, applicant states:

[T]he embodiment of the Tachikawa invention identified by the Patent Office, the "storage portion" are NVRAMS. (Tachikawa, Col. 17, lines 9-33). As is known to those with skill, a NVRAM is generally known as a 'non-volatile random access memory.' This understanding is confirmed by Tachikawa's description of the NVRAM as consisting of an EEPROM-SRAM pair. (Tachikawa Col. 17, lines 9-33). Being non-volatile, the data stored in the NVRAM is NOT "erased at least at the time when the power is not on."

However, the previous office action clearly identified the storage portion of Tachikawa et al. as being a VRAM (i.e., a volatile RAM), pointing to column 10, lines 5-6 (see page 2 of the previous Office Action, section 2, lines 8-9). Such a volatile memory clearly is erased at least when the power is not on, as required by the claimed invention. Furthermore, only the SRAM portion of the NVRAM described in column 17 is considered to correspond to the storage portion required by the claimed invention. Such a SRAM inherently meets the limitations of the claimed invention, as pointed out more fully in the grounds of rejection. While the NVRAM taught by Tachikawa et al. further includes a EEPROM paired with the SRAM, so that the combined memories are non-volatile, there is nothing in the claim language that precludes the claimed "storage portion" from being similarly paired with a non-volatile memory. While applicant's assertion that "[a]n individual could remove the NVRAM of Tachikawa when the power is not on and access data stored in the NVRAM" is true, there are no claim limitations that address this issue. Because the SRAM portion of the Tachikawa et al. system meets the

limitations of the invention defined in the claims, as pointed out more fully in the grounds of rejection, Tachikawa et al. is still believed to fully anticipate the invention, as claimed.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tachikawa et al. (US 5,652,803 A).

Tachikawa et al. teaches an image processing apparatus comprising an image recognition apparatus for preventing counterfeiting of bank notes and valuable securities (Tachikawa et al. is directed towards preventing the counterfeiting of bank notes and valuable securities, as described in the Abstract, for example), comprising a recognition processing portion (104 in Figure 1) which carries out a recognition process on supplied image data using dictionary data stored in a storage portion (column 10, lines 5-6) to determine whether or not said supplied image matches said dictionary data (column 8, lines 43-54); and means for writing said dictionary data into said storage portion (column 17, lines 27-29; the dictionary data is written into SRAM in response to a recall command when the power is turned on); wherein said dictionary data stored in said storage portion is erased at least at the time when the power is not on (the dictionary data stored in the SRAM is automatically erased when no power is supplied to the SRAM; while Tachikawa et al. fails to specifically describe this feature of the SRAM, it is an inherent function of SRAM, as described in the appropriate entries in the third edition of the Microsoft Press Computer

Dictionary), as variously stipulated by claims 1 and 5. In addition, Tachikawa et al. further teaches that said storage portion is constructed from a volatile memory (i.e., the SRAM which is a volatile memory that only stores data while adequate power is supplied to it), and wherein the erasing of said dictionary data is carried out automatically in accordance with the cutting off of the power supply (as noted before, the SRAM only stores data while appropriate power is supplied to it, so that it inherently erases any stored data when the power is removed), as further required by claims 2 and 6. Similarly, Tachikawa et al. also teaches that said storage portion is constructed from a rewriteable memory (the SRAM is a random access memory, which is an inherently rewritable device), and further comprising means for erasing said dictionary data stored in said storage portion at a prescribed timing (i.e., the power switch serves as means for erasing the data in the SRAM when the device is turned off, which is a prescribed timing), as set forth in claims 3 and 7. Finally, Tachikawa et al. additionally teaches means for monitoring the connection status of storage portions (column 9, lines 3-5) as variously required by claims 4 and 8. Therefore, Tachikawa et al. meets each of the limitations of the claims and anticipates the claimed invention.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R.

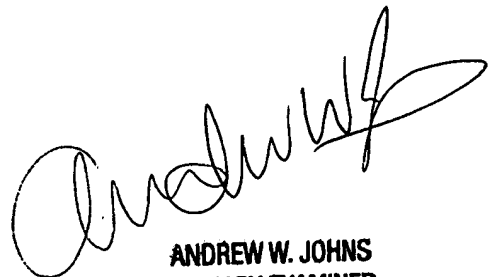
§ 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Johns whose telephone number is (571) 272-7391. The examiner is normally available Monday through Friday, at least during the hours of 9:00 am to 3:00 pm Eastern Time. The examiner may also be contacted by e-mail using the address: andrew.johns@uspto.gov. (Applicant is reminded of the Office policy regarding e-mail communications. See M.P.E.P. § 502.03)

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Matt Bella, can be reached at (571) 272-7778. The fax phone number for this division is (571) 273-8300. In order to ensure prompt delivery to the examiner, all unofficial communications should be clearly labeled as "Draft" or "Unofficial."

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Receptionist whose telephone number is (571) 272-2600.

A. Johns
15 June 2006



ANDREW W. JOHNS
PRIMARY EXAMINER